

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

727I0603

HOUSE BILL NO. 1134

Introduced by: Representatives McCaulley, Deadrick (Thomas), Frost, Fryslye, Garnos,
Juhnke, Murschel, and Van Gerpen and Senators Bogue and Dempster

1 FOR AN ACT ENTITLED, An Act to clarify the subpoena powers of the Legislature and
2 legislative committees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 2-6-5 be amended to read as follows:

5 2-6-5. Either house of the Legislature and each standing committee of the Legislature may,
6 during any regular or special legislative session, summon or subpoena any person who has special
7 knowledge concerning any bill, resolution, or matter of importance currently before such house
8 or committee. Such summons or subpoena may be issued only upon an affirmative vote of a
9 majority of the members elect of the house or committee of issuance. Any person who is
10 summoned to attend as a witness before either house of the Legislature or any committee thereof
11 ~~authorized to summon or subpoena witnesses,~~ and who refuses or neglects without lawful excuse
12 to attend pursuant to the summons or subpoena, is guilty of a Class 2 misdemeanor.

13 Section 2. That § 2-6-6 be amended to read as follows:

14 2-6-6. Any person who, being present before either house of the Legislature or any
15 committee thereof ~~authorized to summon witnesses~~ in response to any legislative summons or



1 subpoena, willfully refuses to be sworn or affirmed, or to answer any material and proper
2 question, or to produce upon reasonable notice any material or proper books, papers, or
3 documents in his or her possession or under his or her control, is guilty of a Class 2
4 misdemeanor.